

Law Offices of Robert T Vance Jr
123 South Broad Street, 15th Floor
Philadelphia PA 19109
267 887 0172 tel / rvance@vancelf.com / 215 501 5380 fax

November 26, 2024

By CM/ECF

Honorable Robert M. Levy
United States Magistrate Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn NY 11201

Re: *Donna Lashley v. New York University*
Civil Action No. 1:22-cv-01054-LDH-RML

Dear Judge Levy:

I represent the Plaintiff, Donna Lashley, in the above-captioned case. I write in response to the letter to Your Honor from defense counsel dated November 25, 2024, to address the mischaracterizations and omissions therein.

Contrary to defense counsel's statement that Ms. Lashley has had "sufficient time" to take deposition in this case, Ms. Lashley has attempted since September 20, 2024, to obtain dates from defendant for 10 depositions. See Exhibit A attached hereto. It was not until October 10 that defendant provided dates for the depositions of 3 of the identified witnesses. See Exhibit B attached hereto. The undersigned counsel was not available on the sole date provided for one of the witnesses, but confirmed deposition dates for the other two for November 14 and November 18. Id. Defendant never provided dates for the depositions of the 7 other witnesses. The deposition scheduled for November 14 was postponed due to the then ongoing settlement negotiations among counsel. See Exhibit C attached hereto. The deposition scheduled for November 18 was postponed because of the undersigned counsel's illness. See Exhibit D attached hereto.

Moreover, as reflected in the September 20, 2024 email, 3 of the 4 witnesses Ms. Lashley wishes to depose in order to have a successful mediation have been known to defense counsel since that date. At the time of that email, Ms. Lashley did not believe it necessary to depose Joel Steckel. However, since her deposition on October 21, she is of the opinion that his deposition is

Honorable Robert M. Levy
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Page 2

necessary. Accordingly, I respectfully reiterate my request that Your Honor amend the Minute Entry or enter an Order allowing for four (4) depositions to be taken, subject to witness' availability.

Respectfully submitted,

Robert T Vance Jr

cc: Susan D. Friedfel (w/encs.)

Exhibit A

Subject: Re: Donna Lashley v. NYU
Date: Friday, September 20, 2024 at 11:09:28 AM Eastern Daylight Time
From: Robert Vance <rvance@vancelf.com>
To: Zarski, Monika (White Plains) <Monika.Zarski@jacksonlewis.com>
CC: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>
Attachments: image001.png, image002.png

Good morning,

I am waiting on my client to return them to me.

I am available October 21; I am waiting for her to confirm her availability.

Also, my client would like to depose the following persons:

Peter Blair Henry
Raghu Sundaram
Patricia Miller
David Gordon
Anya Francoli
Gary Fraser
Edwin J. Elton
Diana Daniels
Grace Glessing
Karyn Jeannopoulos

Please let me know when these witnesses are available, and provide the last known home address for any of them who may no longer be employed by NYU.

Thank you,

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From: "Zarski, Monika (White Plains)" <Monika.Zarski@jacksonlewis.com>
Date: Friday, September 20, 2024 at 10:00 AM
To: "rvance@vancelf.com" <rvance@vancelf.com>
Cc: "Friedfel, Susan D. (White Plains)" <Susan.Friedfel@Jacksonlewis.com>
Subject: RE: Donna Lashley v. NYU

Good morning,

We would like to postpone Ms. Lashley's deposition until later in the month to give her medical providers

time to produce her medical records. Can you please let us know if October 21st or 22nd work for you and your client? Additionally, please provide the medical authorizations so that we can request the records in time for Plaintiff's deposition. Thank you.



Monika Zarski (She/Her)

Attorney at Law

Jackson Lewis P.C.

44 South Broadway, 14th Floor.

White Plains, NY 10601

Direct: (914) 872-8017 | Main: (914) 872-8060

Monika.Zarski@jacksonlewis.com | www.jacksonlewis.com

From: Robert Vance <rvance@vancelf.com>
Sent: Wednesday, September 18, 2024 12:09 PM
To: Zarski, Monika (White Plains) <Monika.Zarski@jacksonlewis.com>
Cc: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>
Subject: Re: Donna Lashley v. NYU

Good afternoon,

October 1 is fine for me and my client, and we prefer to have the deposition taken at NYU.

Also, I will get the correctly signed Authorizations back to you today.

Thank you,

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From: "Zarski, Monika (White Plains)" <Monika.Zarski@jacksonlewis.com>
Date: Monday, September 9, 2024 at 2:12 PM
To: "rvance@vancelf.com" <rvance@vancelf.com>
Cc: "Friedfel, Susan D. (White Plains)" <Susan.Friedfel@Jacksonlewis.com>
Subject: RE: Donna Lashley v. NYU

Hello,

We wanted to follow up on the below. Can you please let us know when we may expect to receive the updated medical authorizations? Please also let us know whether October 1st works for Ms. Lashley's deposition. Thank you.



Monika Zarski (She/Her)

Attorney at Law

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Monika.Zarski@jacksonlewis.com | www.jacksonlewis.com

From: Zarski, Monika (White Plains) <Monika.Zarski@jacksonlewis.com>

Sent: Wednesday, September 4, 2024 5:21 PM

To: Robert Vance <rvance@vancelf.com>

Cc: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>

Subject: Donna Lashley v. NYU

Good afternoon,

I write to follow up on my voicemail message. Please let us know when we may expect to receive Plaintiff's executed, initialed medical authorizations. Given the significant delay, we ask that you please provide them as soon as possible.

Additionally, we would like to schedule your client's in-person deposition. Please let us know if **October 1st** works for you and Ms. Lashley.

Thank you,
Monika



Monika Zarski (She/Her)

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Monika.Zarski@jacksonlewis.com | www.jacksonlewis.com

Exhibit B

Subject: Re: Donna Lashley v. NYU
Date: Wednesday, October 16, 2024 at 2:55:17 PM Eastern Daylight Time
From: Robert Vance <rvance@vancelf.com>
To: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>, Zarski, Monika (White Plains) <Monika.Zarski@jacksonlewis.com>
Attachments: image001.png, image002.png, image003.png

Hi Susan,

I can confirm David Gordon on November 14 and Raghu Sundaram on November 19. I am not available on November 18, so please provide an alternative date for Grace Glessing.

My current intention is to take the depositions remotely, but that may change depending upon my review of NYU's last document production.

Thank you,

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From: "Friedfel, Susan D. (White Plains)" <Susan.Friedfel@Jacksonlewis.com>
Date: Thursday, October 10, 2024 at 1:41 PM
To: "rvance@vancelf.com" <rvance@vancelf.com>, "Zarski, Monika (White Plains)" <Monika.Zarski@jacksonlewis.com>
Subject: RE: Donna Lashley v. NYU

Robert,

I hope you are well. We are willing to hold plaintiff's deposition in our NYC office at 666 Third Avenue to make it more convenient for your client, but we cannot do the deposition on campus.

As to the depositions you are seeking to take, I am still reaching out to witnesses, but, so far, I can offer:

David Gordon on November 4, 8, 12, 14, or 15.
Grace Glessing on November 18
Raghu Sundaram on November 19.

Please confirm the dates as soon as possible. Will you be taking the depositions in person or remotely?

Thanks,
Susan



Susan D. Friedfel (Freed-fell | She/Her)

Attorney at Law

Jackson Lewis P.C.

44 South Broadway
14th Floor

White Plains, NY 10601

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Susan.Friedfel@Jacksonlewis.com | www.jacksonlewis.com

From: Robert Vance <rvance@vancelf.com>

Sent: Friday, September 20, 2024 11:09 AM

To: Zarski, Monika (White Plains) <Monika.Zarski@jacksonlewis.com>

Cc: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>

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Raghu Sundaram

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Karyn Jeannopoulos

Please let me know when these witnesses are available, and provide the last known home address for any of them who may no longer be employed by NYU.

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From: "Zarski, Monika (White Plains)" <Monika.Zarski@jacksonlewis.com>
Date: Friday, September 20, 2024 at 10:00 AM
To: "rvance@vancelf.com" <rvance@vancelf.com>
Cc: "Friedfel, Susan D. (White Plains)" <Susan.Friedfel@Jacksonlewis.com>
Subject: RE: Donna Lashley v. NYU

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Monika.Zarski@jacksonlewis.com | www.jacksonlewis.com

From: Robert Vance <rvance@vancelf.com>
Sent: Wednesday, September 18, 2024 12:09 PM
To: Zarski, Monika (White Plains) <Monika.Zarski@jacksonlewis.com>
Cc: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>
Subject: Re: Donna Lashley v. NYU

Good afternoon,

October 1 is fine for me and my client, and we prefer to have the deposition taken at NYU.

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Date: Monday, September 9, 2024 at 2:12 PM
To: "rvance@vancelf.com" <rvance@vancelf.com>
Cc: "Friedfel, Susan D. (White Plains)" <Susan.Friedfel@Jacksonlewis.com>
Subject: RE: Donna Lashley v. NYU

Hello,

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Monika Zarski (She/Her)
Attorney at Law

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Monika.Zarski@jacksonlewis.com | www.jacksonlewis.com

From: Zarski, Monika (White Plains) <Monika.Zarski@jacksonlewis.com>
Sent: Wednesday, September 4, 2024 5:21 PM
To: Robert Vance <rvance@vancelf.com>
Cc: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>
Subject: Donna Lashley v. NYU

Good afternoon,

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Additionally, we would like to schedule your client's in-person deposition. Please let us know if **October 1st** works for you and Ms. Lashley.

Thank you,
Monika



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Monika.Zarski@jacksonlewis.com | www.jacksonlewis.com

Exhibit C

Subject: RE: Lashley v. NYU
Date: Wednesday, November 13, 2024 at 9:54:50 AM Eastern Standard Time
From: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>
To: Robert Vance <rvance@vancelf.com>
Attachments: image028866.png

OK. Thanks.



Susan D. Friedfel (Freed-fell | She/Her)
Attorney at Law

Jackson Lewis P.C.

44 South Broadway
14th Floor

White Plains, NY 10601

Direct: (914) 872-8027 | Main: (914) 872-8060

Susan.Friedfel@Jacksonlewis.com | www.jacksonlewis.com

From: Robert Vance <rvance@vancelf.com>
Sent: Wednesday, November 13, 2024 9:54 AM
To: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>
Subject: Lashley v. NYU

Good morning,

In view of the ongoing settlement negotiations, I will be rescheduling the deposition of David Gordon.

Thank you,

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Exhibit D

Subject: Re: Lashley vs NYU: Confidential - For Settlement Purposes Only
Date: Monday, November 18, 2024 at 3:58:45 PM Eastern Standard Time
From: Robert Vance <rvance@vancelf.com>
To: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>
Attachments: image004.png, image661313.png

Susan,

I apologize for this late notice but I am really struggling with a bad cold. I need to postpone Dean Sundaram's deposition at least for a few days. Please let me know when he would be available. I expect his deposition would take no longer than 2-3 hours.

Thank you

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From: Friedfel, Susan D. (White Plains) <Susan.Friedfel@Jacksonlewis.com>
Date: Monday, November 18, 2024 at 2:33 PM
To: Robert Vance <rvance@vancelf.com>
Subject: RE: Lashley vs NYU: Confidential - For Settlement Purposes Only

Robert,

At this time, I do not have a counter for a settlement that does not involve a separation. Please provide the link for the deposition tomorrow.

Thank you.
Susan



Susan D. Friedfel (Freed-fell | She/Her)
Attorney at Law

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